

REMARKS

In the Office Action dated December 3, 2003, claims 49-76 were rejected under 35 U.S.C. §112, first paragraph, as being based on a disclosure which is not enabling. In Applicant's previous response filed on March 3, 2004, Applicant disagreed with Examiner's statement by nonetheless amended claims 49-76 to further particularize Applicant's claims to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

Amended claim 49 recites in part:

A client networked device for connection with one or more remote computers providing delivery of digital encoded audio data and related metadata via a network, the client networked device comprising:

- a first and a second data buffer to store the digital encoded audio data and related metadata, respectively; and
- a processor communicatively coupled with the data buffers and a computer readable storage medium;
- said computer-readable storage medium operative

...
to store digital encoded audio data and the related metadata received via the communication network, and ... to decode the received digital encoded audio data and related metadata and render said decoded digital audio data and related metadata on the client networked device during receipt of at least the digital encoded audio data.

Thus, digital encoded audio data and related metadata may be received via a network in an interleaved manner, and the audio and metadata may be stored into respective first and second buffers on the client device. A processor may then display the metadata in synchronization with rendered audio data as described e.g., on pages 5 and 35-36 of Applicant's specification. One method in which the metadata may be synchronized with the audio data, for example, is through the use of timestamps, however other methods of synchronization may be employed.

Applicant submits that claim 49 may be distinguished from the prior art, and in particular from US patent application no. 5,132,992 issued to Yurt. Applicant submits that Yurt merely teaches that synchronization between audio and video data may be maintained by passing the audio and video signals simultaneously to the audio and

video converter inputs (see e.g., column 7, lines 30-34 and column 18 lines 27-35).

Yurt fails to teach or otherwise suggest any relationship between metadata and audio data, let alone a synchronous relationship where the digital encoded audio data and related metadata are stored in a first and a second data buffer, respectively. For at least these reasons, Applicant submits that claim 49 is allowable over the cited prior art.

As independent claims 58 and 68 recite elements similar to those of claim 49, Applicant submits that claims 58 and 68 are similarly allowable. Further, due at least in part upon their dependency on one of claims 49, 58 and 68, Applicant submits that claims 50-57, 59-67 and 69-85 are likewise allowable.

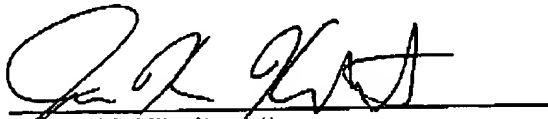
In light of the above remarks, Applicant believes claims 49-85 are in condition for allowance. Accordingly, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

If the Examiner has any questions, which may be answered by telephone, he is invited to call the undersigned directly.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

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